

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DR. JAFAR NASSIRI

*Plaintiff,*

vs.

SPIRIT AIRLINES INC.

*Defendant.*

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CIVIL ACTION NO. \_\_\_\_\_

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**NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Defendant, Spirit Airlines, Inc. (“Spirit”) hereby removes this case to this Federal District Court, pursuant to 28 U.S.C. § 1441 and respectfully shows the Court the following:

1. On December 22, 2015, Plaintiff filed this lawsuit in the 164th Judicial District Court of Harris County, Texas (the “State Court Action”) under Cause No 2015-76331.

2. This Notice of Removal is being filed with this Court within thirty (30) days after Spirit received Plaintiff’s citation of service of Plaintiff’s Original Petition, and when Spirit first ascertained that this case was removable pursuant to 28 U.S.C. § 1441(a) and in accordance with 28 U.S.C. § 1446(b).

3. A complete copy of the State Court Civil Docket Sheet is attached as **Exhibit A**; Plaintiff’s Original Petition, demand for Jury Trial, and Request for Disclosure, filed on 12/22/2015, is attached as **Exhibit B**; the return of Certified Mail Service for Spirit, filed 01/05/2016, reflects service on Spirit on 01/08/2016 and is attached as **Exhibit C**; Defendant Spirit’s Original Answer, filed 01/28/2016, is attached as **Exhibit D**; the Notice of Removal to State Court is attached as **Exhibit E**; an index of filings in the state court action is attached as **Exhibit F**; and a list of all counsel of record, including

addresses, telephone numbers, and parties represented is attached hereto as **Exhibit G**. These documents are properly indexed in accordance with Local Rule LR 81.

**I.**  
**GROUND FOR REMOVAL**

4. 28 U.S.C. § 1441(a) provides that, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1332(a)(1) provides that a United States District Court “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—(1) citizens of different States... .”

5. This case is removable to this Court pursuant to 28 U.S.C. § 1332 on the grounds of diversity of citizenship of the parties because:

a. Plaintiff’s Original Petition (“Original Petition”) admits in Section II of the Original Petition that Plaintiff is an “Individual whose address in 6666 Harwin Drive, Unit 570, Houston, in Harris County, Texas.”

b. The Original Petition also acknowledges in Section II of the Original Petition that Spirit “is a Delaware Corporation, with its principal place of business located at 2800 Executive Way, Miramar, FL 33025 USA.” Defendant Spirit is a citizen of Florida for diversity of citizenship purposes. *See* 28 U.S.C. § 1332(c).

6. Additionally, this case satisfies the amount in controversy requirement of 28 U.S.C. § 1332(a). Plaintiff’s Original Petition seeks ninety-three thousand, seven hundred fifteen dollars, and six cents (\$93,715.06) in damages.

7. Venue is proper in this Court, as it is the district and division embracing the place in which the State Court Action was originally filed.

**II.**  
**REMOVAL PROCEDURE**

8. Pursuant to 28 U.S.C. §1446(b), this Notice of removal is timely filed within thirty days after Spirit's receipt of service.

9. Spirit complied with all applicable provisions of 28 U.S.C. §1441 *et seq.* and the applicable Federal Rules of Civil Procedure and the Local Rules in this District.

10. Spirit attaches those materials required to be filed upon removal in accordance with 28 U.S.C. § 1446(a) and LR 81.1.

11. The filing fee of 400.00 has been tendered to the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with the original Notice of Removal.

12. Spirit gave notice simultaneously with the filing of this Notice of Removal, to Plaintiff and in the 164<sup>th</sup> Judicial District Court, in Harris County, Texas, and has filed a copy of this Notice of Removal with the Clerk of in the 164<sup>th</sup> Judicial District Court, in Harris County, Texas. A copy of this Notice is attached as **Exhibit 5**.

WHEREFORE, Defendant Spirit Airlines Inc. requests that Cause No. 2015-76331 be removed from the 164<sup>th</sup> Judicial District Court in Harris County, Texas, that until final resolution, all further proceedings in the state court be discontinued, and for such other and further relief to which it may show itself justly entitled at law or inequity.

Respectfully submitted,

By: /s/ Katherine A. Staton

**Katherine Staton**

State Bar No. 02815650

S.D. Bar No. 16778

**Attorney-in-Charge**

JACKSON WALKER L.L.P.

2323 Ross Avenue, Ste. 600

Dallas, Texas 75201

(214) 953-6000

(214) 661-6699 – Fax

Email: [kstaton@jw.com](mailto:kstaton@jw.com)

ATTORNEY FOR DEFENDANT SPIRIT  
AIRLINES INC.

**Angeles Garcia**

State Bar No. 24087561

S.D. Bar No. 2331242

**Of Counsel**

JACKSON WALKER L.L.P.

1401 McKinney Street, Ste. 1900

Houston, Texas 77010

(713) 752-4200

(713) 308-4107

[agarcia@jw.com](mailto:agarcia@jw.com)

ATTORNEY FOR DEFENDANT  
SPIRIT AIRLINES INC.

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed using the Court's electronic filing system, which served a copy on Plaintiff's counsel, and a copy of the foregoing document was also served upon Plaintiff's counsel by certified mail, return receipt requested on this the 3<sup>rd</sup> day of February, 2016.

E. A. Taylor  
12220 Ormandy St.  
Houston, Texas 77085  
Email: [e.a.taylorlawoffice@gmail.com](mailto:e.a.taylorlawoffice@gmail.com)  
Fax: (713) 333-0373

/s/Katherine A. Staton  
Katherine A. Staton